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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,207	01/05/2001	Tao Chen	PA010098	5300

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EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/755,207

Applicant(s)

CHEN ET AL.

Examiner

Tu X Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-9, are rejected under 35 U.S.C. 103(e) as being unpatentable by Ramakrishna et al. (US Patent 6,233,455).

Regarding claim 1, Ramakrishna et al. disclose a method for call recovery comprising:

transmitting a pilot strength measurement message from a mobile terminal at a first transmit power level (fig.2B, element 252, see col.5 lines 59-50);

waiting a predetermined time period during which call recovery is not completed (see col.2 lines 21-28 and lines 46-64, the mobile receives plurality signals from multiple base stations are in period of handoff process corresponds to "the call recovery is not completed); and

transmitting the pilot strength measurement message at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level (see fig.2B, element 254).

Regarding claim 2, Ramakrishna et al. disclose the second transmit power level is a maximum transmit power level (see fig.4A, element 404).

Art Unit: 2618

Regarding claim 3, Ramakrishna et al. disclose a computer program stored on a computer readable medium operative to perform the method of claim 1 (see col.8 lines 1-14).

Regarding claim 8, Ramakrishna et al. disclose a mobile terminal apparatus, comprising:

an antenna (see fig.1, element 104);

a processor coupled to the antenna (see col.8 lines 1-14, a mobile telephone is inherently included a processor to function in a form of a computer readable medium);

transmit circuitry coupled to the antenna and processor (see fig.1, element 104, transmit circuitry is inherent in a two-way mobile phone) , and a first set of computer-readable instructions executable by the process (see col.8 lines 1-14) to increment transmit power of a pilot strength measurement message from the mobile terminal during call recovery (see col.2 lines 21-64), after waiting the predetermined time period during which call recovery is not completed (see col.2 lines 21-28 and lines 46-64, the mobile receives plurality signals from multiple base stations are in period of handoff process corresponds to "the call recovery is not completed), further instructions to transmit the pilot strength measurement message from the mobile terminal at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level (see fig.2B, element 254)

Regarding claim 9, Ramakrishna et al. disclose a second set of computer readable instructions executable by the processor to maintain the transmit power below a maximum power level (see col.5 lines 55-66).

Art Unit: 2618

Claims 4-7 are rejected under 35 U.S.C. 103(e) as being unpatentable by Ramakrishna et al. (US Patent 6,233,455) in view of Sunay et al. (US Patent 5,940,743).

Regarding claim 4, Ramakrishna et al. disclose a method comprising:

initiating a call recover from a mobile terminal (see col.1 lines 40-49);

transmitting a pilot strength measurement message from the mobile terminal at a first transmit power level which is less than a maximum transmit power level (see fig.2B, element 252); and

incrementing a transmit power level from a mobile terminal prior to receiving a hand-off direction message (see fig.2B, element 254)

Ramakrishna et al. fail to disclose "and completion of the call recovery".

In the related art, a method and apparatus can reduce the potential for dropped calls, Sunay et al. disclose "and completion of the call recovery" (see col.11 lines 49-50). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ramakrishna et al. with the above teaching of Sunay et al. in order to provide continued process of open or closed loop power control after completion of handoff.

Regarding claim 5, the modified Ramakrishna et al. disclose transmitting a pilot strength measurement message at each transmit power level (see Ramakrishna, col.2 lines 21-28).

Regarding claim 6, the modified Ramakrishna et al. disclose the pilot strength measurement messages are transmitted at predetermined time intervals (see Ramakrishna, col.2 lines 21-28 and lines 46-64).

Art Unit: 2618

Claim 7 is rejected under 35 U.S.C. 103(e) as being unpatentable by Ramakrishna et al. (US Patent 6,233,455) in view of Sunay et al. (US Patent 5,940,743) further in view of Kim et al. (US Patent 6,563,807).

Regarding claim 7, the modified Ramakrishna et al. fail to disclose the pilot strength measurement message includes a preamble.

In the related art, an inter-frequency handoff execution method, Kim et al. disclose the pilot strength measurement message includes a preamble (see col.7 lines 35-36). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Ramakrishna et al. with the above teaching of Kim et al. in order to provide the base station having the reverse frequency band to execute a reverse synchronization.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "Cuy", is written above the date.

November 7, 2006